

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2015 MAY - 7 P 3:54

UNITED STATES OF AMERICA ex rel. ROBERT
K. FULK, et al.,

v.
Plaintiffs,

UNITED PARCEL SERVICE, UPS SUPPLY
CHAIN, and UPS FREIGHT,

Defendants.

CLEARED FOR FILING
APR 2015 BY [signature]

) Civil No.: 1:11 Civ. 890 (CMH) (TCB)

) FILED EX PARTE AND UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)

JOINT STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a), the United States, having intervened in part of this *qui tam* action brought pursuant to the False Claims Act, 31 U.S.C. §§ 3729-3733, and Relator Robert K. Fulk (“Relator”), hereby notify the Court of the voluntary dismissal of this action as to the United States as set forth below.

In accordance with, and subject to the terms of, a settlement agreement (“the Settlement Agreement”) reached between the United States, Relator, and defendants United Parcel Service, Inc., UPS Supply Chain, and UPS Freight (“UPS”), the United States is voluntarily dismissing, with prejudice, the claims asserted by Relator in this action on behalf of the United States and against UPS for the Covered Conduct as defined in Paragraph D of the Settlement Agreement. Relator consents to the dismissal with prejudice of those claims. Such dismissal, however, does not include, and expressly preserves the Court’s jurisdiction over UPS’s obligation to pay Relator’s reasonable Attorney’s Fees as defined in the Settlement Agreement. The United States

and Relator request that this Court retain jurisdiction over any disputes that may arise regarding compliance with the Settlement Agreement.

In addition, Relator is voluntarily dismissing, with prejudice to Relator and without prejudice to the United States, the remaining claims asserted by Relator against UPS on behalf of the United States in this action in which claims the United States has not intervened. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States hereby consents to Relator's voluntary dismissal of that portion of the action brought on behalf of the United States, provided such dismissal is without prejudice to the United States.

No defendants have filed an answer or responsive pleading to the Complaint.

A proposed Order accompanies this Joint Stipulation of Dismissal.

Dated: May 7, 2015

AGREED TO:

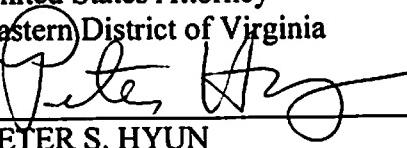
FOR THE RELATOR:



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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2015, a true and correct copy of the **JOINT STIPULATION OF DISMISSAL** and a proposed Order were mailed by first-class mail to:

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